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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 **ANDREW LANCASTER, et al.,**

Plaintiffs,

22 **v.**

23 **JAMES E. TILTON, et al.,**

24 **Defendants,**

25 **FREDDIE FUIAVA,**

26 **Intervener.**

Case No. C 79-01630 WHA

STIPULATION AND ORDER

27
28 On March 6, 2008, Magistrate Judge Nandor Vadas met with counsel for Plaintiffs and

counsel for Defendants, together with representatives of the California Department of Corrections and Rehabilitation and California State Prison, San Quentin (San Quentin), to establish dates for completion of specific goals designed to address and remediate the problems identified in the Court's February 15, 2008 Order related to showers, birds/rodents/vermin, noise, and cleaning supplies, as well as to set dates for inspections of the condemned housing units by Plaintiffs' counsel and the Court. Accordingly, the parties agree and stipulate as follows:

March 17, 2008

The Prison Law Office will tour the condemned housing units at San Quentin to review the measures taken to date to stop the flow of water from the showers over the tiers in East Block including installation of a pony wall in East Block's second tier yard side back bar shower, to look at a re-engineered shower in Carson, to observe the cleaning of the showers in East Block if possible, to observe the cleanliness of the tier areas adjacent to and below the showers in East Block, to investigate the supply of earplugs, and to see the cell cleaning buckets and the contents of those buckets on each tier in East Block.

April 1, 2008

1. Defendants will complete installation of bird netting on accessible windows in East Block, and install a security screen door at the gun rail door in East Block.

2. All Administrative Segregation inmates will be moved out of East Block.

3. A process will be implemented requiring that ear plugs be offered to class members along with the regular semi-monthly supplies each time those supplies are offered. The offer will be recorded on each class member's 114-A.

4. Defendants will develop a plan to address shower run-off on the tiers in East Block pending completion of the shower re-engineering project.

5. The cleaning of the areas alongside the showers, including the walkways and walkway infrastructure will be completed.

April 15, 2008

1. Defendants will eliminate the remaining birds from East Block to the extent possible,

1 or inform the Court if this cannot be done. The parties understand that birds may, from time to
2 time, re-enter East Block, and that as with rodents and vermin, complete and permanent
3 eradication may not be possible.

4 2. A process will be implemented requiring that powdered or liquid cleanser will be
5 offered to class members along with regular semi-monthly supplies each time those supplies are
6 offered. The offer will be recorded on each class member's 114-A.

7 3. Cell cleaning buckets will be offered to each class member once per week in
8 accordance with the February 25, 2008 memo. The February 25, 2008 memo is attached as
9 Exhibit A.

10 4. Defendants will develop and institute the use of an inventory sheet to be used to
11 monitor and maintain the contents of the cell cleaning buckets.

12 April 30, 2008

13 Cleaning of bird feces from the tiers, tier rails, gun rails, and all other surfaces will be
14 completed.

15 June 1, 2008

16 Interim measures intended to control the accumulation of shower run-off on the tiers in
17 East Block will be in place pending completion of the shower re-engineering project.

18 July 1, 2008

19 Defendants' counsel will provide officer Zaragoza's semi-monthly reports, and the logs
20 of the Pest Control Technician and outside contractor(s) for March, April, May and June 2008, to
21 Magistrate Judge Vadas and Plaintiffs' counsel. The reports will reflect the levels of rodents and
22 vermin in East Block, including pests in the showers and shower drains, and Defendants' efforts
23 to control those populations.

24 July 9, 2008

25 Magistrate Judge Vadas, together with one attorney from the Prison Law Office and one
26 attorney from the Attorney General's Office, will tour and inspect the condemned housing units
27 at San Quentin to monitor Defendants' compliance with this stipulation and order.

28 Defendants will arrange to have noise testing done in East Block in advance of the July 9,

1 2008 inspection, and to provide the results of such testing to Magistrate Judge Vadas and
2 Plaintiffs' counsel not later than July 2, 2008.

3 December 31, 2008

4 Barring unforeseen construction delays, re-engineering of showers in East Block will be
5 completed.

6 Respectfully submitted,

7 Dated: March 14, 2008

8 The Prison Law Office
9 DONALD SPECTER
10 STEVEN FAMA

11 
STEVEN FAMA

14 pm
Dated: March 12, 2008

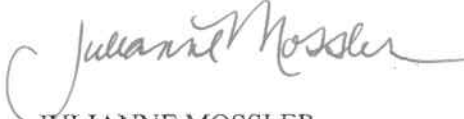
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Attorneys for Defendants Tilton and Ayers

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19 In accordance with the stipulation of the parties, IT IS SO ORDERED.

20 Dated: 3/24/08, 2008

21 
22 Magistrate Judge Nandor Vadas

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Stipulation and Order

Lancaster, et al. v. Tilton, et al.
Case No. C 79-01630 WHA